

Chapter 01 - Administration

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PART 1 - General

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Part 1 - General**01101 MISSION**

- A. The mission of the National Oceanic and Atmospheric Administration Commissioned Corps (NOAA Corps) is to provide officers technically competent to assume positions of leadership and command in the National Oceanic and Atmospheric Administration and Department of Commerce (DOC) programs and in the Armed Forces during times of war or national emergency.¹ Discipline and flexibility are inherent in the NOAA Corps personnel system. NOAA Corps officers are trained for positions of leadership and command in the operation of ships and aircraft; in the conduct of field projects on land, at sea, and in the air; in the management of NOAA observational and support facilities; as members or leaders of research efforts; and in the management of various organizational elements of NOAA.

01102 AUTHORITY²

- A. The Act of May 22, 1917 [40 Stat. 87-88] entitled "An Act to temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes" authorized the President with the advice and consent of the Senate, to commission field officers of the Coast and Geodetic Survey, equated these officers with military officers, and provided for their transfer to the military during national emergencies. Reorganization Plan No. 2 of 1965, as amended [79 Stat. 1318] transferred the Corps to the Environmental Science Services Administration which in 1970 became

¹ Unless otherwise noted all references in these directives to the "Secretary" refers to the Secretary of Commerce; "Under Secretary" refers to the Under Secretary of Commerce for Oceans and Atmosphere; the "Director" refers to the Director of the NOAA Corps; the "NOAA Corps" refers to the NOAA Commissioned Corps; "NCD" refers to the NOAA Corp Directives.

² Other major legislation of historical significance that affected the NOAA Corps includes:

(1) The Act of May 18, 1920 [41 Stat. 603, 33 U.S.C. 864] which, prior to its repeal, established basic parity with Navy officers for retirement purposes; and

(2) The Coast and Geodetic Survey Commissioned Officers Act of June 3, 1948 [62 Stat. 298] as amended by Public Law 87-233, September 14, 1961 [75 Stat. 506, 33 U.S.C. 851a, 852a-852b, 853e, 853 , 854a-854c], Public Law 89-656 [80 Stat. 907, 33 U.S.C. 855, 858, 868a], Public Law 91-621, December 31, 1970 [84 Stat. 1863, 33 U.S.C. 857-3]; Public Law 96-215, March 25, 1980 [94 Stat. 123, 33 U.S.C. 857a, 37 U.S.C. 1006, 5 U.S.C. 8521(a)]; Public Law 98-498, October 19, 1984 [98 Stat. 2306, 33 U.S.C. 857-3, 853a et seq.]; and Public Law 105-384, November 13, 1998 [112 Stat. 3457-3458, 33 U.S.C. 853(a), 853(u)] These laws are the precursors to laws currently in effect.

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the National Oceanic and Atmospheric Administration under Reorganization Plan No. 4 of 1970, as amended. [84 Stat. 2090]

- B. The National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, Pub. L. 107-372 [33 U.S.C. 3001 et seq.], which outlines the status, benefits, compensation, and structure of the NOAA Corps.
- C. Executive Order (E.O.) 11023, dated May 29, 1962.

01103 STATUS

- A. The NOAA Corps is one of the seven uniformed services of the United States. [33 U.S.C. 3002(a); 10 U.S.C. 101(a)(5); 37 U.S.C. 101(3)]
- B. NOAA Corps officers are permanently appointed by the President with the advice and consent of the Senate. [33 U.S.C. 3026]
- C. Commissioned officers of the NOAA Corps are not required to be registered under Section 3 of the Military Selective Service Act of 1967, and are relieved from liability for training and service under Section 4 thereof [50 U.S.C. App. 456(a)] A person who has served as a commissioned officer in the NOAA Corps (or its predecessor organizations) for a period of more than 24 months is not liable for induction for training and service under the Act, except as may be required after a Congressional declaration of war or national emergency. [50 U.S.C. App. 456(b)(3)]
- D. Active service in the NOAA Corps or its predecessor organizations is deemed to be active military service in the armed forces of the United States for the purposes of all rights, privileges, immunities, and benefits provided by:
 - (1) laws administered by the Secretary of Veterans Affairs;
 - (2) the Soldiers' and Sailors' Civil Relief Act of 1940, as amended; and
 - (3) Section 410 of Title 42, as in effect before September 1, 1950. [33 U.S.C. 3072]
- E. NOAA Corps officers are subject to transfer to the service and jurisdiction of a military department during periods of national emergency. NOAA Corps officers so transferred shall have proper military status and shall be subject to the laws, regulations, and orders for the government of the service to which transfer is made. [33 U.S.C. 3061]

Part 1 - General**01104 AUTHORIZED GRADES**

- A. Authorized grades for NOAA Corps officers are listed below in the order of seniority.

<u>Grade</u>	<u>Pay Grade</u>
Vice Admiral	O-9
Rear Admiral (Upper Half)	O-8
Rear Admiral (Lower Half)	O-7
Captain	O-6
Commander	O-5
Lieutenant Commander	O-4
Lieutenant	O-3
Lieutenant (junior grade)	O-2
Ensign	O-1

[33 U.S.C. 3004, 3028(e); 37 U.S.C. 201]

01105 POSITIONS OF IMPORTANCE AND RESPONSIBILITY

- A. The Secretary may designate positions in the administration as being positions of importance and responsibility for which it is appropriate that NOAA Corps officers, if serving in these positions, serve in the grade of vice admiral, rear admiral (upper half), or rear admiral (lower half) as designated by the Secretary for each position. The Secretary may assign officers to those positions. [33 U.S.C. 3028(a)]
- B. One such position shall be filled by a NOAA Corps officer on the lineal list serving in or above the grade of rear admiral (lower half), who shall be responsible for the administration of the commissioned officer corps and for oversight of the operation of the administration's vessel and aircraft fleets. A NOAA Corps officer assigned to any position under this authority has the grade designated for that position if appointed to that grade by the President, by and with the advice and consent of the Senate [33 U.S.C. 3028] For the specific purpose of administering the commissioned officer corps, that position shall carry the title of Director of the NOAA Corps. For the specific purpose of administering the vessel and aircraft fleets, that position shall carry the title of Director of Office of Marine and Aviation Operations. [33 U.S.C. 3028(c)]

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- C. In addition the Secretary has chosen to designate the position of Deputy Director, NOAA Corps and Deputy Director, Office of Marine and Aviation Operations as a position of importance and responsibility, as well as the Director of NOAA Marine and Aviation Operations Centers as a position of importance and responsibility. [Secretarial Designation, dated November 25, 2003, see Appendix 1.1]
- D. A NOAA Corps officer assigned to any position under this authority has the grade designated for that position if temporarily appointed to that grade by the President, by and with the advice and consent of the Senate. [33 U.S.C. 3028(d)] The NOAA Corps officer's temporary appointment to the grade above captain only becomes effective upon confirmation by the Senate.
- E. A NOAA Corps officer appointed to a grade under NCD 01105A, while serving in that grade, shall have the pay and allowances of the grade to which temporarily appointed. [33 U.S.C. 3028(f)]
- F. A NOAA Corps officer serving in one of the Secretarial designated positions of importance serves at the will of the Secretary and the assignment may be ended at such time as the Secretary determines.
 - (1) Upon termination of the assignment, the Secretary may:
 - (a) Assign the incumbent to another position which is the same flag grade as the position being vacated. In such a case, the incumbent would continue to receive the pay and allowances of the grade to which temporarily appointed;
 - (b) Assign the incumbent to another position at a higher flag rank than that previously held. Unless appointed to the higher flag grade by the President with the advice and consent of the Senate before the assignment is effected, the incumbent is only entitled to the pay and allowances for his/her permanent grade; or
 - (c) Assign the incumbent to another position at a lower flag grade than that previously held. Unless appointed to the lower flag grade by the President with the advice and consent of the Senate before the assignment is effected, the incumbent is only entitled to the pay and allowances for his/her permanent grade.

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- (2) Unless appointed or assigned to another position for which a higher grade is designated, a NOAA Corps officer who has served in a grade above captain reverts to the grade and number the NOAA Corps officer would have occupied but for serving in a grade above that of captain. In such a case, the NOAA Corps officer shall be an extra number in that grade. [33 U.S.C. 3028(d)]
- G. The number of NOAA Corps officers serving under appointments specified in NCD 01105B, may not exceed:
 - (1) one in the grade of vice admiral;
 - (2) two in the grade of rear admiral (upper half); and
 - (3) two in the grade of rear admiral (lower half),

provided that the total number of NOAA Corps officers serving on active duty at any one time in the grade of rear admiral (lower half) or above may not exceed four. [33 U.S.C. 3028(e)]
- H. The assignment of a NOAA Corps officer under NCD 01105A creates a vacancy on the active lineal list. However, the appointment of a NOAA Corps officer under this section does not vacate the permanent grade held by the officer. [33 U.S.C. 3028(g)]

01106 AUTHORIZED STRENGTH

- A. The authorized strength of the NOAA Corps is 285 officers for fiscal year 2004, 299 officers for fiscal year 2005, and as set by Congress for future years. [33 U.S.C. 3005]
- B. The authorized strength may be temporarily exceeded provided the average number on active duty for the fiscal year does not exceed the authorized number. [33 U.S.C. 3004(e)]
- C. In addition to those otherwise authorized, 20 additional NOAA Corps officers may be appointed for service in international development programs. [22 U.S.C. 2396(a)(16)]

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01107 DISTRIBUTION BY GRADE

- A. The authorized number of NOAA Corps officers on the active list shall be distributed in permanent grades in the proportion of 8 percent in the grade of captain, 14 percent in the grade of commander, 19 percent in the grade of lieutenant commander, 23 percent in the grade of lieutenant, 18 percent in the grade of lieutenant (junior grade), and 18 percent in the grade of ensign. [33 U.S.C. 3004(a)]
- B. Whenever a final fraction occurs in computing the authorized number of NOAA Corps officers in any grade, the nearest whole number shall be taken, and if such fraction be one-half, the next higher whole number shall be taken. However, the authorized number established under the annual appropriation act shall not be increased as a result of the computations described herein and, if necessary, the number of NOAA Corps officers in the lowest grade shall be reduced accordingly. [33 U.S.C. 3004(b)]
- C. A NOAA Corps officer will not be reduced in grade or pay or separated from the service as a result of any computations made to determine the authorized number of NOAA Corps officers in the various grades. [33 U.S.C. 3004(c)]
- D. Nothing herein shall be construed as requiring the filling of any vacancy or as prohibiting additional numbers in any grade to compensate for vacancies existing in higher grades. [33 U.S.C. 3004(d)]

PART 2 - Appointments in the NOAA Corps

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Part 2 - Appointments in the NOAA Corps**01201 GENERAL PROVISIONS AND SCOPE**

- A. The purpose of this part is to describe the various types of appointments permitted by law, and to explain the policies and procedures by which each type of appointment may be obtained.
- B. Types of Appointments:
 - (1) An original appointment is defined as the appointment of an officer in the NOAA Corps which is the officer's most recent appointment in the Corps that is neither a promotion nor a demotion. [33 U.S.C. 3021; 33 U.S.C. 3002(a); 10 U.S.C. 101(b)(10)] Original appointments may be either permanent or temporary.
 - (2) Promotions are a particular type of appointment in which a NOAA Corps officer is promoted to and appointed in a higher grade. Promotions are discussed in NCD Chapter 4.
 - (3) Reappointments occur when a NOAA Corps officer who has left the NOAA Corps returns to the NOAA Corps. Original appointment procedures apply and a reappointment will not be effected prior to Presidential nomination and confirmation by the Senate.
 - (4) Inter-service transfers are appointments in which a commissioned officer in one uniformed service transfers to another uniformed service without a break in service. [10 U.S.C. 716] Inter-service transfers are discussed in NCD 01301 - 01304.

01202 TYPES OF ORIGINAL APPOINTMENTS

- A. Permanent appointments are made by the President, by and with the advice and consent of the Senate. [33 U.S.C. 3026] A permanent appointment shall not be effective until the Secretary receives from the President or from the President's representative information showing that the Senate has confirmed the nominee of the President for appointment as a commissioned officer. [Executive Order 11023, May 28, 1962] The Secretary in the name of the President, shall issue to each nominee confirmed a commission evidencing the appointment of such person. [Executive Order 11023, May 28, 1962] The effective date specified in the commission will be deemed for all purposes to be the date of appointment. Permanent original appointments may only be made in the grades of ensign, lieutenant (junior grade), and lieutenant. [33 U.S.C. 3021]

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- B. Temporary original appointments in the grade of ensign are made by the Secretary. Such temporary appointments may only be made at the grade of ensign, and they will be terminated not later than the close of the next regular session of the Congress unless the appointment is confirmed by the Senate prior to that time. [33 U.S.C. 3029(a); Executive Order 11023, May 28, 1962]

01203 GENERAL QUALIFICATIONS

- A. Original appointments to the NOAA Corps in grades up to and including lieutenant are made based on the qualifications of individual applicants and the needs of the service. Each applicant must:
- (1) be a citizen of the United States of good moral character; [33 U.S.C. 3021(a)(2)(A); 10 U.S.C. 532(a)(1)&(3)]
 - (2) be able to complete 20 years of active commissioned service before his or her fifty-fifth birthday; [33 U.S.C. 3021(a)(2)(A); 10 U.S.C. 532(a)(2)]
 - (3) have satisfactorily passed the prescribed mental and physical examination as well as body composition assessment; [33 U.S.C. 3021(a)(2)(A)&(3); 10 U.S.C. 532(a)(4)] and
 - (4) meet the prescribed standards of education. [33 U.S.C. 3021(a)(2)(B); delegation]
- B. An applicant shall be rated on collegiate record, work experience, references, the report of the interviewing officer, and all other available information.
- C. Qualified applicants are normally appointed in the temporary grade of ensign. [33 U.S.C. 3029a; Executive Order 11023] However, an applicant who surpasses the minimum requirements may be appointed in a permanent grade up to and including lieutenant. Such permanent appointments may only occur after nomination by the President and confirmation by the Senate. [33 U.S.C. 3021(a), 3026]

01204 DUAL COMMISSIONS PROHIBITED

- A. A commissioned officer of the NOAA Corps may not be a member of another uniformed service. Except for inter-service transfer in accordance with NCD 01301, an applicant for appointment in the NOAA Corps who is a member of another uniformed service shall terminate their commission in that service or obtain a conditional release from their present service before being commissioned in the NOAA Corps.

Part 2 - Appointments in the NOAA Corps**01205 MENTAL QUALIFICATIONS**

- A. The NOAA Corps is authorized to establish qualifications for original appointments. [33 U.S.C. 3021(a)(3); delegation] To be eligible for an original appointment, an applicant must meet the following mental qualifications. Mental qualifications refer to the traits considered of such importance that deficiencies would indicate an inability to adequately perform the duties required of a NOAA Corps officer. If there is any doubt as to the mental stability of the candidate it shall be resolved after conferring with appropriate medical personnel. In reaching a determination of moral fitness, the following shall be considered:
- (1) A finding of moral unfitness is usually based on misconduct of a candidate. It may be based on a specific act or a series of matters, which when taken together, evidence a pattern sufficiently serious to disqualify the candidate for appointment. Common grounds for findings of moral disqualification include, but are not limited to, habitual drunkenness, financial irresponsibility, gambling, improper use of drugs, insubordination, false official statements, sexual deviancy, or other disgraceful or scandalous conduct.
 - (2) Consideration will also be given as to whether the candidate being considered for appointment has lived up to the provisions of Department of Commerce Administrative Order 202-735A (Employee Responsibilities and Conduct) and NOAA Corps Directives.

01206 PHYSICAL QUALIFICATIONS

- A. The NOAA Corps is authorized to establish qualifications for original appointments. [33 U.S.C. 3021(a)(3); delegation] Applicants must meet the standards prescribed for U.S. Coast Guard officer candidates as listed in the U.S. Coast Guard Medical Manual. In addition, applicants must meet the following standards:
- (1) The pre-commissioning physical examination must be conducted by a uniformed services medical officer;
 - (2) as part of the pre-commissioning physical exam, the following test results must be within normal parameters: (a) complete blood count; and (b) color vision;
 - (3) uncorrected visual acuity shall be no worse than 20/400 in each eye;

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- (4) corrected visual acuity shall be no worse than 20/20 in each eye; and
- (5) body composition shall be assessed by a uniformed services medical officer in accordance with procedures prescribed in NCD Chapter 4 and shall not exceed the prescribed body fat standard.

01207 EDUCATIONAL QUALIFICATIONS

- A. To be eligible for an original appointment, an applicant must meet the following minimum educational standards:
 - (1) A baccalaureate degree must have been conferred upon the applicant by a college, university, or academy listed in the latest "Directory of Post Secondary Institutions, Volume 1" issued periodically by the U.S. Department of Education. Questions regarding qualification of institutions not listed in the directory will be referred to the U.S. Department of Education. If the applicant has completed all requirements for the degree but the actual awarding has not been made, a statement by the institution that the award will be made will be accepted. The major course of study should be in engineering, mathematics, or sciences related to NOAA's mission;
 - (2) The overall course of study shall include 48 semester (72 quarter) hours in fields related to NOAA's scientific or technical activities. The curriculum shall include credit for mathematics through integral and differential calculus, and 8 semester (12 quarter) hours of physics. Consideration will be given to applicants who do not fully meet the calculus and physics requirements but provide an acceptable substitute in other academic science subjects directly related to NOAA's mission, such as computer science and geographical information systems. [33 U.S.C. 3021(a)(2)(B); delegation]

01208 CONSTRUCTIVE CREDIT

- A. Original appointments may be made in grades up to and including lieutenant. [33 U.S.C. 3021] The Officer Personnel Board (OPB) may recommend credit for advanced degrees, prior professional work experience, or prior commissioned service. [33 U.S.C. 3022; 33 U.S.C. 3071(a)(2)]³ All credit for prior qualifications must be approved by the Director. These provisions do not apply to inter-service transfers (NCD 01304F(2)).

³ While 33 U.S.C. 3071(a)(2) provides that 10 U.S.C. 533(b) applies to the NOAA Corps with regard to constructive service, the provisions of 10 U.S.C. 533(b)(A) are inapplicable to the NOAA Corps because advanced education is not a prerequisite to appointment in the NOAA Corps.

Part 2 - Appointments in the NOAA Corps**B. Credit is allowed for:**

- (1) The Director, in unusual cases, may approve credit for a candidate who is receiving an appointment and who has advanced education and/or special experience in a particular field deemed to be critical to NOAA's mission.
- (2) For non-NOAA prior commissioned service, constructive credit shall be granted for full-time, active-duty commissioned service at the rate of 50 percent of the creditable service time. Further credit may be granted on an individual basis for commissioned service experience immediately required by NOAA. Constructive Credit purposes will not be granted for enlisted service. Total Constructive Credit purposes shall not exceed 100 percent of the creditable service time. Credit for pay purposes will be granted at the rate of 100 percent of the creditable service time. No credit will be granted for service other than honorable. Upon appointment, all prior service medical and personnel records will be transferred to the Commissioned Personnel Center (CPC).
- (3) For prior commissioned service in the NOAA Corps constructive credit shall be granted at the rate of 100 percent of prior service time. For pay purposes 100 percent of prior NOAA Corps time will be granted. Credit will not be granted for service other than honorable.

C. Applicants may apply for credit under any or all of the provisions in this section, but will only receive credit once per provision. For example, an applicant with multiple advanced degrees will only receive credit for the highest degree. An applicant whose prior commissioned service is also creditable as prior professional service will only receive credit once per period of service. (Total allowable credit determined to be less than six months will be disregarded).

01209 APPLICATION PROCESS

- A. The Director, CPC, shall prepare and disseminate information relating to applications for appointment in the NOAA Corps.
- B. Recruiting shall be conducted by individuals designated by the Director. An applicant for appointment shall be personally interviewed by a NOAA Corps officer as part of the recruiting process.

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- C. Each applicant shall submit or have submitted, as appropriate:
- (1) Application for Commission in the NOAA Officer Corps (NOAA Form 56-42);
 - (2) Certified official transcript(s) of all college grades forwarded to the recruiting officer by the college(s);
 - (3) Letters (NOAA Form 56-42D) from three personal references (previously designated) submitted directly to the recruiting officer; and
 - (4) Each applicant with prior uniformed service shall submit copies of his/her most recent three performance evaluations.

01210 SELECTION PROCESS

- A. The Director shall prescribe the number of applicants to be selected for commissioning and the basic qualifications necessary to fulfill the needs of the NOAA Corps.
- B. The NOAA Corps Recruiter shall review all applicants and eliminate those not meeting established criteria.
- C. OPB shall convene to review all qualified applicants and recommend in writing candidates for appointment to the Secretary and the President. The OPB shall consist of not less than five NOAA Corps officers on the lineal list in the permanent grade of commander or above. [33 U.S.C. 3022(a)]
- D. The Director shall review the OPB's recommendations and forward those recommendations to the Secretary, along with any comments by the Director. The Director shall indicate to the Secretary whether each recommendation for selection is for temporary appointment within the authority of the Secretary, or for permanent appointment within the authority of the President with the advice and consent of the Senate.
- E. Role of the Secretary
- (1) Upon review of the recommendations of the OPB, the Secretary shall make those temporary appointments in the grade of ensign as deemed appropriate. [33 U.S.C. 3029(a)] In making temporary appointments in the grade of ensign, the Secretary may accept or reject the recommendations of the OPB in whole or in part. [33 U.S.C. 3022(c)]

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- (2) The Secretary shall review the recommendations of the OPB. The Secretary may accept or reject the recommendations of the OPB in whole or in part. Recommendations of the OPB approved by the Secretary shall be forwarded to the President. Should the Secretary not accept one or more of the recommendations made by the OPB, the Secretary shall return the rejected recommendations to the OPB with instructions to make such further recommendations as are acceptable. [33 U.S.C. 3022] Permanent appointments shall not be effective until the Secretary receives from the President or from the President's representative information showing that the Senate has confirmed the nominee of the President for appointment as a NOAA Corps officer. [33 U.S.C. 3026; Executive Order 11023, May 28, 1962] The Secretary, in the name of the President, shall issue to each nominee confirmed a commission evidencing the appointment of such person. The effective date specified in the commission will be deemed for all purposes to be the date of appointment. [Executive Order 11023, May 28, 1962]

F. Role of the President and the Senate

- (1) The Secretary shall forward to the President those recommendations for permanent appointment which he accepts. The President may reject any recommendation forwarded. If the President rejects a recommendation, the President shall return the rejected recommendations to the OPB with instructions to make such further recommendations as are acceptable. [33 U.S.C. 3022(c)]
- (2) If the President accepts the recommendations, they will be forwarded to the Senate for confirmation. Permanent appointments shall not be effective until the Secretary receives from the President or from the President's representative information showing that the Senate has confirmed the nominee of the President for appointment as a NOAA Corps officer. [33 U.S.C. 3026; Executive Order 11023, May 28, 1962] The Secretary, in the name of the President, shall issue to each nominee confirmed a commission evidencing the appointment of such person. The effective date specified in the commission will be deemed for all purposes to be the date of appointment. [Executive Order 11023, May 28, 1962]

01211 APPOINTMENT PROCESS

- A. The Director, CPC, will advise selected applicants of specific actions required to effect their appointments in the NOAA Corps.

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- B. Before appointment, each applicant will execute the following forms:
 - (1) Questionnaire for Sensitive Positions (SF-86); and
 - (2) Fingerprint Chart (SF-87).
- C. Each selected applicant must accept in writing the appointment offered and take the prescribed oath of office (Appointment Affidavits (SF-61)) [5 U.S.C. 3331-32] The oath of office may be administered by any individual authorized to administer oaths by laws of the United States or local jurisdictions in the State, District, territory, or possessions of the United States where the oath is administered. [5 U.S.C. 2903, 33 U.S.C. 875]
- D. The commission of a NOAA Corps officer may be revoked by the Director during the first 3 years of service if the officer is found not qualified for service [33 U.S.C. 3021(a)(4); Executive Order 11023] Such qualification shall include satisfactory completion of a background investigation to determine eligibility for access to classified national security information and execution of the Classified Information Non-Disclosure Agreement (SF-189). The loss of a security clearance will result in the automatic revocation of a commission.

01212 REAPPOINTMENT

- A. Former NOAA Corps officers who have voluntarily resigned from the NOAA Corps and who wish to rejoin the NOAA Corps may apply to the Director for reappointment. Those desiring reappointment must follow the application procedure in NCD 01209.
- B. A request for reappointment in the NOAA Corps will be treated as an application for original appointment. The selection and appointment procedures in NCD 01210 and 01211 are applicable.
- C. NOAA Corps officers may only be reappointed in the grades of ensign, lieutenant (junior grade) and lieutenant. [33 U.S.C. 3021; 10 U.S.C. 101(a)(10)]
- D. Reappointments to the permanent grades of ensign, lieutenant (junior grade), or lieutenant will not be effective until Presidential approval and Senate confirmation is received. [33 U.S.C. 3026] The Secretary, in the name of the President, shall issue to each nominee confirmed a commission evidencing the appointment of such person. [Executive Order 11023, May 28, 1962]

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01213 BASIC OFFICER TRAINING CLASS (BOTC)

- A. All NOAA Corps officers will attend BOTC following appointment, unless the officer has prior NOAA or other commissioned service in a particular field which may preclude the need to attend BOTC.

PART 3 - Inter-Service Transfer

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Part 3 - Inter-Service Transfer**01301 POLICY**

- A. Inter-service transfer is the transfer of commissioned officers serving on active duty, between uniformed services, and the transfer of commissioned officers not on active duty, between the reserve components of the uniformed services. Transfers are made only between equivalent services; meaning reserve to reserve and regular to regular. The NOAA Corps does not have a reserve component. Inter-service transfer will not take place from a reserve component.
- B. Commissioned officers qualified to contribute to an activity of another service shall be given the opportunity to apply for transfer without an interruption in their service career.
- C. Transfers shall not be accomplished without the request or consent of the commissioned officer concerned, except in time of war. [33 U.S.C. 3061(a)(2); 10 U.S.C. 716(a)]
- D. A commissioned officer shall not be transferred from one service and appointed in another service with a precedence or relative rank higher than that held on the day before such transfer. [10 U.S.C. 716(b)]
- E. Transfers shall be made only within the authorized strength limitations of the gaining service. [10 U.S.C. 716(a)]
- F. Release of a commissioned officer for an inter-service transfer under this regulation will not constitute a release from or fulfillment of a uniformed service obligation established by 10 U.S.C. 651. However, additional service performed after a transfer shall be counted toward fulfillment of such obligation.
- G. Transfers are subject to the concurrence of both the gaining and losing services. [10 U.S.C. 716] [Department of Defense (DOD) Directive 1300.4, November 15, 1996 see Appendix 1.2]
- H. While intended for use primarily in the technical fields to permit the fullest possible use of commissioned officers with critical or unusual skills, inter-service transfers between the services are not restricted to technical specialties.
- I. A member of a regular component of the Armed Forces precluded from inter-service transfer to the NOAA Corps under the provisions of this regulation may apply for direct appointment.

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- J. The authority to effect inter-service transfer rests with the President. Inter-service transfer to or from the NOAA Corps will not be effective until approval for the transfer is obtained from the President.

01302 RESPONSIBILITIES

- A. Heads of gaining service components, their designees, or the officers concerned shall initiate requests for transfer.
- B. The Service Secretaries, or their designees, shall:
 - (1) indicate their concurrence or nonconcurrence of the proposed transfer;
 - (2) recommend to the President that he accomplish transfers when the proposed transfer is acceptable to both the gaining and the losing services; and
 - (3) withdraw concurrence with the proposed or approved transfer when not considered to be in the best interest of either services, unless the transfer has already been approved by the President.

01303 TRANSFER FROM THE NOAA CORPS

- A. A NOAA Corps officer desiring transfer to a regular component of another service shall apply, by letter, to the Director via the chain of command. The letter must include the following information:
 - (1) full name, social security number, current grade and date of rank;
 - (2) complete title and mailing address of the command to which presently assigned;
 - (3) total amount of active commissioned service;
 - (4) date and place of birth, citizenship and how acquired;
 - (5) educational background and a detailed statement of professional and technical qualifications;
 - (6) summary of any previous inter-service transfer actions;
 - (7) statement of the reasons for requesting transfer; and

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- (8) a contingent resignation that will include the following statement: "I hereby tender my resignation from the NOAA Corps and request that it be accepted contingent upon final approval of my application for transfer to the (specify gaining service) and effective as of the day preceding the date of my acceptance and appointment in the (specify gaining service)."
- B. The officer's immediate supervisor may provide a forwarding endorsement indicating whether the transfer is considered to be in the best interests of the NOAA and the officer.
- C. Requests for inter-service transfer shall be made at least 4 months before the date on which the desired transfer is to be effective. If the Director concurs, the request will be forwarded to the Secretary of the gaining service, or their designated representative.
- D. Upon approval of an inter-service transfer, the termination of an officer's commission and subsequent appointment in the gaining service will be accomplished without interruption of service. The gaining service will forward the transferee's initial appointment and first duty orders to the Director. These orders will be forwarded to the officer as an acceptance of the resignation and will be executed the day following the separation from the NOAA Corps.
- E. The transferring officer's official personnel and medical records will be brought up to date, and a copy will be forwarded to the gaining service. A complete statement of service, including pay entry base date and leave balance at the time of transfer, will be included with the records.

01304 TRANSFER TO THE NOAA CORPS

- A. A commissioned officer of a regular component of a service desiring transfer to the NOAA Corps shall submit a request for consideration to the Director. The Director shall forward the request to the Officer Personnel Board (OPB) for consideration.
- B. Requests for inter-service transfer to the NOAA Corps will be evaluated on a case-by-case basis. Inter-service transfer request will be approved only when the NOAA Corps requires a particular skill and does not have sufficient numbers of active duty personnel at the appropriate grades or the necessary skills to meet the need.
- C. All applicants for transfer to the NOAA Corps must satisfy the requirements prescribed for direct appointment, NCD Chapter 1 Part 2.

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- D. The OPB shall review the request and make a recommendation to the Secretary as to whether the request should be approved. [33 U.S.C. 3022]
- (1) If the OPB recommends that the request for inter-service transfer should be denied, the OPB will inform the Director. The Director will forward the recommendation, along with his/her own comments, to the Secretary. If the Secretary concurs with the denial of the transfer, the Director will inform the applicant.
 - (2) If the OPB recommends that the request for inter-service transfer should be approved, the following procedures apply:
 - (a) The Director shall forward the recommendation, along with any comments, to the Secretary.
 - (b) The Secretary shall review the recommendation. If the Secretary concurs with the OPB's recommendation, the Director will forward the request to the Secretary of the losing service. The request shall be accompanied by a consent from the officer concerned.
- E. Upon receipt of a concurrence from the Service Secretary concerned, the Director will forward to the Secretary a request that the transfer be effected. The Secretary will request that the President approve the transfer. An inter-service transfer will not be effected until the President's approval is obtained. [10 U.S.C. 716]
- F. Placement of a commissioned officer transferred to the NOAA Corps on the active-duty lineal list shall be recommended by the OPB, provided that:
- (1) The officer transferred shall not be assigned precedence or relative rank higher than that which the officer held on the day before transfer. [10 U.S.C. 716(b)]
 - (2) The officer transferred shall continue to hold the same date of rank in the losing Service. The officer transferred will be placed on the lineal list below all other officers with the same date of rank.
- H. When the transfer is accomplished, the officer's personnel and medical records will be transferred to the NOAA Corps by the losing service. The officer will be credited with the total amount of unused leave and active duty service accrued as of the day before the transfer.

PART 4 - Precedence and Authority

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Part 4 - Precedence and Authority**01401 POLICY**

- A. Precedence is determined by rank and grade as defined below:
- (1) The order of precedence among members of the uniformed services. [37 U.S.C. 101(16); 33 U.S.C. 3002(a); 10 U.S.C. 101(b)(8)] Rank may also be described as that character or quality bestowed upon individuals which marks their station and confers eligibility to exercise command or authority in a uniformed service within the limits prescribed by law.
 - (2) A step or degree in a graduated scale of office or rank, that is established and designated as a grade by law or regulation. [37 U.S.C. 101(15); 33 U.S.C. 3002(b)(2)]
- B. Authority is derived from the authority of superiors, if properly delegated, or may be inherent to the position, grade or rank held.

01402 PRECEDENCE AMONG NOAA CORPS OFFICERS

- A. The Director holds the grade of rear admiral while so serving and takes precedence over all officers of the NOAA Corps, except an officer of the NOAA Corps serving in the grade of vice admiral.
- B. Precedence of all other NOAA Corps officers shall be arranged on the active-duty lineal list by the Director upon recommendation of the Officer Personnel Board (OPB). [33 U.S.C. 3022(b)(1); delegation]
- C. Precedence of NOAA Corps officers of the same grade is determined by comparing placement on the active-duty lineal list. A NOAA Corps officer whose date of rank is earlier than the date of rank of another officer is senior to that officer except as indicated in NCD 01402A.
- (1) Upon the original appointment in the Corps, a NOAA Corps officer shall be placed on the lineal list of Commissioned Officers alphabetically upon completion of Basic Officer Training Class (BOTC). Upon completion of BOTC and review by OPB, placement on the lineal list will be based on an average of the officer's overall academic grade average and total Fitness Report point score.
 - (2) The date of rank of a NOAA Corps officer originally appointed but not scheduled to attend a BOTC shall be the date of original appointment.

Part 4 - Precedence and Authority

- (3) The date of rank of a NOAA Corps officer reappointed in a permanent grade shall be the date of appointment. If constructive service is applied the officer may be adjusted on the lineal list. The officer will be placed below all other officers on the lineal list with the same date of rank. [33 U.S.C. 3022(b)(1)]
 - (4) A NOAA Corps officer entering on active duty and appointed in the temporary grade of ensign pursuant to 33 U.S.C. 3029(a) shall, upon Senate confirmation in the permanent grade of ensign, be assigned the same date of rank in the permanent grade as held in the temporary grade of ensign, unless a previous lineal list adjustment has been approved by Director.
 - (5) A NOAA Corps officer appointed from the temporary grade of lieutenant (junior grade) to the permanent grade of lieutenant (junior grade) shall be assigned the same date of rank as that held in the temporary grade.
 - (6) The date of rank of a NOAA Corps officer temporarily promoted one grade pursuant to 33 U.S.C. 3029(c) shall be the effective date of the temporary promotion while serving in that grade.
- D. The lineal number of a NOAA Corps officer advanced or lowered on the active-duty list shall be adjusted to reflect the new position on the lineal list.
- E. A NOAA Corps officer not selected for promotion because of an administrative error, or removed from the line of promotion and subsequently returned to the line of promotion without prejudice, shall be considered for promotion at the next earliest opportunity. The NOAA Corps officer is not entitled to retroactive pay due to the administrative error. Depending on the length of time the officer lost due to administrative error, the OPB may make a recommendation for lineal list adjustment.
- F. At least once a year, and at such other times as may be necessary, the Director shall direct the OPB to review the record of each NOAA Corps officer on the active-duty lineal list and recommend to the Director such changes to the lineal list as may be warranted. [33 U.S.C. 3022(b)(1)]

01403 PRECEDENCE WHEN SERVING WITH THE ARMED FORCES

- A. NOAA Corps officers serving with the Army, Navy and Air Force, shall rank with and after officers of corresponding grade and length of service in that grade in the Army, Navy and Air Force. [33 U.S.C. 3062]

Part 4 - Precedence and Authority**01404 EXERCISE OF AUTHORITY**

- A. NOAA Corps Officers on active duty are at all times subject to NOAA Corps authority and shall exercise authority over all persons subordinate to them in accordance with these directives and orders from competent authority. Any NOAA Corps officer under arrest, suspended from duty, in confinement, or otherwise incapable of discharging their duties, shall not exercise authority over others.
- B. NOAA Corps officers on the retired list are subject to the authority of the NOAA Corps. A NOAA Corps officer on the retired list may not place himself/herself on duty or exercise authority over NOAA Corps officers without orders from the Director. Procedures on recall of retired officers are found in NCD Chapter 8.
- C. A NOAA Corps officer directed to command by competent authority, or who has succeeded to command, takes precedence over all NOAA Corps officers and other persons attached to the command of whatever rank or classification.
- D. A NOAA Corps officer succeeding to command because of the commanding officer's incapacity, death, departure on leave, or absence because of orders from competent authority, has the same authority and responsibility as the NOAA Corps officer whom he/she succeeds.
- E. An executive officer, while executing the duties of that position, shall take precedence over all commissioned officers under the command of the commanding officer.

01405 AUTHORITY IN SPECIAL SITUATIONS

- A. A NOAA Corps officer embarked as a passenger in a ship or aircraft not under his/her command, unless otherwise specified in his/her orders, has no authority over, nor responsibility for, the ship or aircraft.
- B. NOAA Corps officers embarked as passengers or members of a scientific complement, who are junior to the commanding officer, may be assigned duty when the needs of the service render it necessary. The commanding officer shall be the sole judge of this necessity. Passengers thus assigned shall have the same authority as though regularly attached to the ship but shall have no additional claim to quarters by virtue of such assignment.

Part 4 - Precedence and Authority

01406 SUCCESSION TO COMMAND

- A. Command is exercised by virtue of office or by assignment of individuals designated by competent authority.
- B. In the event of the incapacity, death, relief from duty, or absence of an officer detailed to command a unit, that officer shall be succeeded by the following, in the order enumerated:
 - (1) Shore Units
 - (a) the assigned (or designated) executive officer or deputy;
 - (b) other assigned NOAA Corps officers in order of seniority, unless otherwise specified by competent authority.
 - (2) Ships
 - (a) the assigned (or designated) executive officer;
 - (b) other assigned NOAA Corps officers certified as qualified for officer-of-the-deck watches underway in order of seniority. The commanding officer shall publish this order of succession to command.
 - (3) Aircraft
 - (a) the assigned (or designated) co-pilot
 - (b) other assigned NOAA Corps officers certified as qualified aircraft commanders in order of seniority, unless otherwise specified by competent authority.
- C. Whenever a NOAA Corps officer is succeeded by a civilian as officer-in-charge or equivalent position, the senior NOAA Corps officer assigned to the unit will become commander of the officer personnel for that organization, but all officers/personnel will remain under the authority of the civilian individual in charge of the unit.
- D. An individual who becomes commanding officer or officer in charge, in accordance with the preceding paragraphs, shall promptly report that fact and the reasons therefore to his/her immediate superior.

PART 5 - Identification, Dependency Status, Addresses

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Part 5 - Identification, Dependency Status, Addresses**01501 IDENTIFICATION CARDS - PURPOSE**

- A. The Department of Defense (DoD) provides members of the Uniformed Services with a distinct identification (ID) card identifying them as active duty, Guard, Reserve, or retired members and authorizing them to receive uniformed services' benefits. DoD also issues members, eligible family members, and other eligible individuals a distinct ID card authorizing them to receive uniformed services' benefits and privileges.
- B. Uniformed Services ID cards remain the property of the United States and are issued:
 - (1) upon entrance on active duty or transfer to a retired list;
 - (2) to show a change in grade;
 - (3) upon expiration;
 - (4) to replace a lost, stolen, destroyed, or mutilated ID card; or
 - (5) to change data that make the ID card questionable as a means of identification.
- C. The DoD regulation governing the issuance and eligibility requirements for Uniformed Services ID cards is Air Force Instruction 36-3026 (I), Identification Cards for Members of the Uniformed Services, their eligible family members, and other eligible personnel (<http://www.e-publishing.af.mil>).

01502 IDENTIFICATION CARDS -TYPES

The following identifies the types of ID cards that DoD authorizes for use by NOAA:

- A. The Common Access Card, hereinafter referred to as the CAC, is the ID card for active duty uniformed services personnel. It is the primary source of identification for active duty NOAA Corps officers and must be in the personal custody of the officer at all times except that, if required by proper Government authority, it shall be surrendered for identification or investigation, or while in confinement. The card also serves as identification for purposes of Article 17 of the Geneva Convention. In the event of capture as a prisoner of war, it shall be shown to the capturing authorities but should not be surrendered.

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- B. United States Uniformed Services Identification Card (Retired), hereinafter referred to as DD Form 2RET, is the primary source of identification for officers entitled to retired pay and entitlements and must be in the personal custody of the retired officer at all times except that, if required by proper Government authority, it shall be surrendered for identification or investigation, or while in confinement.
- C. Uniformed Services Identification and Privilege Card, hereinafter referred to as DD Form 1173, may be issued to dependents of NOAA Corps officers. All eligible dependents, except children under 10 years of age, are required to obtain a DD Form 1173 as evidence of their eligibility for uniformed services' benefits and privileges.

01503 IDENTIFICATION CARDS - ISSUANCE AND ISSUING ACTIVITY

- A. ID cards for active duty officers, retired officers, and dependents of active duty and retired officers, will be issued by authorized activities. ID cards should be obtained from the nearest authorized issuing activity. A current list of issuing activities can be found at <http://www.dmdc.osd.mil/rsl/>.
- B. The CAC will only be issued to officers of the NOAA Corps officers on active duty. Newly appointed officers will complete DD Form 1172-2, Application for Department of Defense Common Access Card - DEERS (Defense Enrollment Eligibility Reporting System) Enrollment following appointment. All active duty officers will complete DD Form 2842, DoD Public Infrastructure Certificate of Acceptance and Acknowledgment of Responsibility, prior to being issued a CAC by the authorized issuing activity.
- C. DD Form 2RET shall be issued only to retired officers of the NOAA Corps. DD Form 1173 shall be issued only to dependents of active duty and retired NOAA Corps officers upon verification of status. Eligible recipients of both these ID cards will complete Application for Uniform Services Identification Card DEERS Enrollment, DD Form 1172. Eligibility must be verified by either the Commissioned Personnel Center (CPC) or the issuing activity processing the ID card. In either case, documentation to verify eligibility will be required (e.g., retirement letter or orders, birth certificate, marriage certificate, etc.). DD Form 1172 must be signed by the sponsor unless prevented from doing so by an authorized circumstance. In cases where the sponsor is not available for signature, CPC shall be contacted.
- D. If an ID card is lost, stolen, mutilated, worn, or incorrect, verification of eligibility will be required before a replacement card can be furnished. If required, verification of eligibility will be obtained from CPC.

Part 5 - Identification, Dependency Status, Addresses**01504 IDENTIFICATION CARDS - SECURITY AND ACCOUNTABILITY**

- A. Strict accountability and security of ID cards shall be maintained by each authorized issuing activity.
- B. When delivery of cards by domestic mail is deemed appropriate, certified mail shall be used. Cards that will enter foreign mail services shall be sent by registered mail (return receipt).
- C. Any person willfully altering, damaging, lending, counterfeiting, or using ID cards in any unauthorized manner is subject to fine or imprisonment or both as prescribed by 18 U.S.C. 499 and 701.

01505 EMERGENCY AND ENTITLEMENT DOCUMENTATION

- A. Record of Emergency Data, NOAA Form 56-14, provides a current record of personal data for each officer. This record permits NOAA to assist the officer or the officer's family in recording changes in personal status or in handling emergency situations when updated data has legal implications. Each active or retired NOAA Corps officer shall:
 - (1) annually complete and submit a Record of Emergency Data to CPC; and
 - (2) complete and submit a new Record of Emergency Data when a change in prior submission occurs as indicated in NCD 01506B.
- B. When a change in entitlement status occurs, each active and retired officer shall submit the following applicable documents:
 - (1) copy of marriage certificate;
 - (2) copy of annulment court order;
 - (3) copy of divorce decree or court orders, including interlocutory decree and any settlement agreements;
 - (4) copy of legal separation or court order including settlement agreements;
 - (5) copy of birth certificate;
 - (6) copy of adoption papers;

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- (7) copy of death certificate;
- (8) updated Record of Emergency Data;
- (9) BAQ Dependency Determination/Verification (USCG Form 4170), if the officer believes entitlement to basic allowance for housing (BAH) at the with-dependent rate accrues. If a dependent is also an officer of a uniformed service on active duty, that fact and whether the dependent is drawing BAH at the with-dependent rate shall be indicated;
- (10) Service Members' Group Life Insurance Election and Certificate, or (SGLV 8286), if a change in the previously designated beneficiary is desired;
- (11) Application for Uniformed Services Identification, DD Form 1172, to obtain a dependent's identification card. Identification cards for officers or dependents that become ineligible for previously issued cards shall be forwarded immediately to the Director, CPC.

01506 ADDRESS POLICY

- A. A NOAA Corps officer's address is recorded officially for the following purposes:
 - (1) to communicate with him/her whenever necessary;
 - (2) to establish and record home of record (HOR) and place from which ordered to active duty in order to determine entitlement to travel and transportation allowances; and
 - (3) to determine place of residence for State income tax withholding.
- B. For purposes of these directives, the following definitions apply:
 - (1) "Mailing Address" is the address where a NOAA Corps officer can be reached at any time by ordinary mail. For a NOAA Corps officer on active duty, the mailing address normally is the place of duty. For a retired officer, it is the place of residence.
 - (2) "Home of Record" is the place recorded as the home of a NOAA Corps officer when ordered to active duty. It is used primarily to determine travel and transportation allowances or other compensations provided by law upon separation.

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- (3) "Place From Which Ordered to Active Duty" is the location where a NOAA Corps officer receives and executes orders to active duty. It is used primarily to determine travel and transportation allowances or other compensations provided by law upon separation.
- (4) "Legal Residence" is that place determined through the judicial process to be the legal domicile of a NOAA Corps officer. NOAA Corps officers retain the domicile they had upon entering service unless they have by overt actions manifested that they have elected to establish a domicile elsewhere. The courts and local tax authorities, in determining domicile, take into account several factors including where the NOAA Corps officer:
 - (a) dwells;
 - (b) exercises the right to vote in local elections;
 - (c) pays taxes;
 - (d) maintains social, religious, and civic affiliations;
 - (e) titles and registers his/her automobile; and
 - (f) has business interests of a permanent nature.

Liability for State and local income taxes is determined on the basis of State law. The Soldiers' and Sailors' Civil Relief Act of 1940, as amended, overrides a State's sovereignty only to the extent that it protects a NOAA Corps officer from double taxation.

01507 ADDRESS REPORTS

- A. Immediately upon reporting to active duty, a NOAA Corps officer shall complete NOAA Form 56-18 (Report of Home of Record and Place From Which Ordered to Active Duty) and submit it to the Director, CPC, for inclusion in his/her official personnel file. Because the information recorded on this form is used in adjudicating entitlements to travel and transportation allowances, extreme care should be exercised in its completion. In many instances a NOAA Corps officer's HOR and the Place From Which Ordered to Active Duty may be the same. If a NOAA Corps officer considers one location to be his/her "permanent home" but resides in another place for the sole purpose of attending school or for summer employment, the NOAA Corps officer may consider the "permanent home" as the HOR.

Part 5 - Identification, Dependency Status, Addresses

- B. The place recorded as HOR normally cannot be changed during a tour of active duty. Because a NOAA Corps officer subsequently decided to sever connections with the HOR does not alter the fact that, by definition, the place recorded was the HOR when ordered to active duty. A correction to HOR may be authorized when, through a bona fide error, the place recorded was not the actual home of the NOAA Corps officer. Any request for correction of HOR must be submitted to the Director, CPC, together with evidence substantiating that the place to be designated was the actual home at the time of reporting for active duty.

01508 MAILING ADDRESS

- A. Mailing addresses for active-duty officers are determined by their assignment orders. These addresses are used to communicate official correspondence.
- B. Retired officers shall notify the Director, CPC, and the U.S. Coast Guard Personnel Service Center, Retired Pay Division, 444 SE Quincy Street, Topeka, Kansas, 66683-3591, of any change in their mailing address.

01509 STATE INCOME TAX

- A. Government agencies withhold State income tax from the pay of persons claiming legal domicile in states that levy taxes on the income of their citizens. NOAA Corps officers are required to complete a State of Legal Residence Certificate (DD Form 2058 (CG)). The home address required on this form is the NOAA Corps officer's legal residence within the State to which he/she is obligated to pay any income tax due. At the end of each tax year a copy of the NOAA Corps officer's Internal Revenue Service Form, W-2, Wage and Tax Statement, is forwarded to the State taxing authority indicated by the home address indicated on the certificate.
- B. NOAA Corps officers who are legal residents of states requiring Government agencies to withhold State income tax from pay must furnish the CPC with the appropriate State withholding exemption certificate.